12A 6/12/90 61P125
125
041
105

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Robert Duane Sofia
Serial Number:	07/412,964
Filing Date:	September 26, 1989
For:	METHOD FOR THE PREVENTION AND CONTROL OF EPILEPTIC SEIZURE
Group Art Unit:	125
Examiner:	S.J. Friedman

AMENDMENT

Hon. Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

In response to the Office Action mailed on November 20, 1989, having a shortened statutory period for response set to expire on February 20, 1990, which period has been extended so as to expire on Sunday, May 20, 1990, please amend the above-identified application as follows:

IN THE CLAIMS:

Cancel claims 1-3 inclusive

Amend claim 4 as follows:

4. (amended) A method for [treating epilepsy] reducing the incidence and severity of epileptic seizures which comprises administering to a warm-blooded animal in need of such treatment a therapeutic amount of 2-phenyl-1,3-propanediol dicarbamate [in a daily dosage of from about 100 milligrams to about 5 grams].

Claims 1-4 inclusive all of the claims originally filed in this application have been rejected by the Examiner as being unpatentable over Chemical Abstracts Vol. 104, page 50, 104: 1800 56V.

8 22

It is the Examiner's position that since the Chemical Abstracts publication teaches Felbamate as an old pharmaceutical having anticonvulsant activity, it would be obvious to use such pharmaceutical to treat epilepsy.

At the outset, it should be noted that applicant clearly recognized that Felbamate having been the subject of U.S. Patents 2,884,444 and 4,868,327 was a well-known anticonvulsant.

Claim 4 as amended, the only claim remaining in this application is directed to a method for reducing the incidence of and the severity of epileptic seizures through the administration of therapeutic amounts of Felbamate (2-phenyl-1, 3-propanediol).

The Chemical Abstracts article merely compares the anticonvulsant properties of Felbamate in mice against prototype antiepileptics, i.e. phenytoin, phenobarbital, ethosuximide and valproic acid using standardized anticonvulsant test procedures, i.e. electroshock seizure, pentylenetetrazole, picrotoxin, bicuculline and strychnine induced seizure tests.

It is submitted that the results reported in the Chemical Abstract publication concerning the anticonvulsant properties of Felbamate and its potential as an antiepileptic are at best non-conclusive and amount to no more than an invitation to the skilled practitioner to experiment.

In the reported comparison, Felbamate exhibited a wider range of anticonvulsant activity than did phenytoin or ethosuximide but on the other hand had a narrower range of activity than did valproate and phenobarbital.

Moreover, Felbamate was ineffective against bicuculline and strychnine induced seizures.

Reconsideration and allowance of Claim 4, as amended, the only claim in this application is solicited.

Respectfully submitted,

Kevin B. Clarke,
Attorney for Applicant
Reg. No. 22,647
Phone: (212)339-5207